

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDWARD MAX LEWIS,

Plaintiff,

v.

Case No. 09-C-385

BRIAN BANTLEON, et al.,

Defendants.

ORDER

On April 20, 2009, pro se plaintiff Edward Max Lewis was ordered to pay an initial partial filing fee of \$16.71 to the Clerk of Court within twenty-one days of the court's order, pursuant to the provisions of the Prison Litigation Reform Act. See 28 U.S.C. § 1915(b)(1). By motion of April 29, 2009, the plaintiff indicates that he does not currently have funds available in his trust account at the Redgranite Correctional Institution, but that his prison release account contains in excess of \$500.00. He requests that the \$16.71 be withdrawn from his release account and be sent to the Clerk of Court for this district. In the alternative, the plaintiff seeks an extension of thirty days to pay the initial partial filing fee.

After due consideration, and in light of the plaintiff's request that prison officials take the \$16.71 out of his release account, the warden at the Redgranite Correctional Institution will be directed to submit to the Clerk of Court within twenty-one days of the date of this order the \$16.71 as the plaintiff's payment of his initial partial filing fee. See Doty v. Doyle, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002).

NOW, THEREFORE, IT IS HEREBY ORDERED that the plaintiff's motion for order to use release funds to pay initial partial filing fee (Docket #4) is **GRANTED**. The warden at the Redgranite Correctional Institution shall withdraw \$16.71 from the plaintiff's release account and forward that sum to the Clerk of this Court as the plaintiff's initial partial filing fee in this action. Such payment is to be made within twenty-one days of the date of this order. Upon payment of this initial partial filing fee, the court will determine whether the action can continue to proceed in forma pauperis.

IT IS FURTHER ORDERED that the plaintiff's alternative motion for extension of time (Docket #4) is **DENIED as moot**.

IT IS ALSO ORDERED that copies of this order be sent to the warden at Redgranite Correctional Institution and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin this 5th day of May, 2009.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge